

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
MEETING MINUTES**

**January 30, 2012**

**1. CALL TO ORDER**

Chair Jakobson-Johnson called the meeting to order at 10:06 a.m. at the Department of Consumer Affairs, 1625 North Market Blvd., First Floor Hearing Room, Sacramento, California.

**ROLL CALL**

Secretary Jemmott called the roll.

**Commissioners Present:**

Margaret Jakobson-Johnson, Chair  
Michael Dean, Vice Chair  
Rocky Burks  
Richard Luehrs  
Mark Martinez  
Lillibeth Navarro  
Mitchell Pomerantz  
Anthony Seferian  
Betty Wilson

**Staff Present:**

James V. Vitale, Executive Director  
Angela Jemmott, Program Analyst  
Lavonia Wade, Office Administrator

**Commissioners Absent:**

Tom Ammiano  
Connie Conway  
Ellen Corbett  
Thomas Harman  
Pierce Welch  
Chester "Chet" Widom

**Also Present:**

Sergio Alunan, former Taxi Commissioner in the City and County of San Francisco, Director of In-Home Support Services in San Francisco, Coordinator of the Peer Mentoring Program at Laguna Honda Hospital in San Francisco  
Richard Conrad, Division of the State Architect  
Kirk Cooknick, American Institute of Architects, California Council  
Steve Dolim, Certified Access Specialist Institute

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 30, 2012 MEETING MINUTES**

Michael Nearman, California Building Standards  
Commission  
Donald Parks, Applied Technology Incorporated  
(via telephone)  
David Peters, Lawyers Against Lawsuit Abuse

Chair Johnson announced that the meeting had achieved a quorum.

**PLEDGE OF ALLEGIANCE**

Commissioner Martinez led the Commission in the Pledge of Allegiance.

**2. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA**

**Public Comment**

- Michael Nearman, California Building Standards Commission (CBSC), and Checklist for Access Compliance Committee Member, brought the CBSC 2012 Triennial Code Adoption Cycle to the Commission's attention. The timeline draft can be viewed on the CBSC website, [www.bsc.ca.gov](http://www.bsc.ca.gov). July 4, 2013, will be the established publication date, and January 1, 2014, will be the effective date for the 2013 Title 24 Codes.
- Sergio Alunan (former Taxi Commissioner in the City and County of San Francisco, Director of In-Home Support Services in San Francisco, Coordinator of the Peer Mentoring Program at Laguna Honda Hospital in San Francisco) and his team of 20 Peer Mentors have, in the last 2-1/2 years, helped over 250 disabled clients transition out of Laguna Honda Hospital, where they had resided for 20-30 years. These clients now live independently in their own apartments, utilizing Para transit, BART, and Municipal Railways. Mr. Alunan was also co-chair of the Mayor's Office on Disability and chairman of Public Transit in San Francisco, and announced that they have run over 1-1/2 million trips for people with disabilities. He stressed how important Para transit and accessibility are in California cities.
- Donald Parks, Applied Technology Incorporated, reported the results of a task that Commissioner Abrams gave him to identify problematic issues of accessibility. He found that less than one-third of state agencies had formally completed an ADA self-evaluation, many of those done inadequately. He found that agency directors do not have anyone responsible for their departments. Mr. Parks identified the two main areas of concern as lack of transition plans and lack of a statewide ADA Coordinator.

**3. GENERAL BUSINESS ITEMS**

**a. Review/Approval of Meeting Minutes (October 26, 2010, August 19, 2011, September 28, 2011) – Action**

**MOTION:** Commissioner Dean moved to approve the October 26, 2010, Meeting Minutes. Commissioner Martinez seconded. Motion carried unanimously.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 30, 2012 MEETING MINUTES**

Commissioner Dean, addressing the August 19, 2011, Meeting Minutes, stated he was in attendance and asked to remove his name from the Commissioners Absent list. He verified that Jim McGowan and Stephanie Davis were present, and asked that the question marks be removed. Also on page 5, he stated that the Commissioner giving the report for the Checklist Committee was Commissioner Burks.

**MOTION:** Commissioner Dean moved to approve the August 19, 2011, Meeting Minutes with the above corrections. Commissioner Burks seconded. Motion carried unanimously.

**MOTION:** Commissioner Luehrs moved to approve the September 28, 2011, Meeting Minutes. Commissioner Navarro seconded. Motion carried unanimously with one abstention.

**b. Election of CCDA Chair and Vice-Chairperson(s) – Action**

**MOTION:** Commissioner Burks moved to accept Margaret Jakobson-Johnson as the chair and Michael Dean as the vice-chair. Commissioner Navarro seconded. Motion carried unanimously.

**c. By-Laws Draft – Action**

Commissioner Burks recommended switching the order of the agenda to discuss the Bylaws Draft before the Protocols Draft. Chair Jakobson-Johnson agreed.

Chair Jakobson-Johnson addressed Bylaw 6, Standing, Ad Hoc, and Sub-Committees – she stated that the Executive Committee added subcommittees to make sure that all three points were included. Chair Jakobson-Johnson also noted that Bylaws 6.3, 6.4, and 6.5 have material added.

Commissioner Seferian suggested removing the word “which” from the second sentence in Bylaw 6.5.

**Public Comment**

David Peters, of Lawyers Against Lawsuit Abuse, commented on Bylaw 6.3 and the requirement of the chair’s approval for members of subcommittees. He stated, since this will be an enduring document that would apply through a number of administrations, his concern that, if members of subcommittees must be approved by a chair, it could limit the potential for adversity viewpoint which he felt is so essential to these proceedings.

Chair Jakobson-Johnson assured that the Executive Committee had discussed that concern and took it into consideration when they developed the changes to the Bylaws. Commissioner Burks added that, in view of this concern, the desire was that there would be four members approved – two from industry and two from the disability community – in order to maintain the same representation reflected in the Commission. He stated it was the intent of the Commission to ensure that the chair had the ability to participate in making those appointments with respect to that representation.

**MOTION:** Commissioner Dean moved for approval of the Bylaws as amended. Commissioner Wilson seconded. Motion carried unanimously.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 30, 2012 MEETING MINUTES**

**d. Selection of Public Committee Members Protocols Draft – Action**

Chair Jakobson-Johnson stated the Executive Committee put together a Protocols Draft for the process of appointing additional Committee members. She read this for the Commission and opened it up for discussion.

- Commissioner Navarro recommended all Committee members have an updated Committee list. Chair Jakobson-Johnson asked that staff provide and distribute this list.
- Commissioner Burks requested the Committee membership be placed on the CCDA website. Chair Jakobson-Johnson asked that staff see that this is done and consistently updated.
- Chair Jakobson-Johnson reminded members of the public who may be interested in pursuing membership that Committee members are there voluntarily and are not actually Commissioners appointed to the Commission. They would be added to the Committees in order to help the Committees do their work.
- Commissioner Burks addressed Protocol Item #4. He recommended changing “CCDA commission committees and subcommittees to insure the timely delivery of committee deliverables” to “CCDA committees and subcommittees to ensure timely deliverables of committees.”
- Commissioner Seferian recommended changing “concurrent” to “consecutive” in Protocol Item #4.
- Commissioner Luehrs asked for submission clarification under Selection Procedures. Chair Jakobson-Johnson and Commissioner Burks recommended changing the Selection Procedures to “all materials shall be submitted to the CCDA Executive Director who will provide them to the Committee chair.” The two bulleted items would then be “Letter of interest,” and “Resume and statement of qualifications and experience.”

**MOTION:** Commissioner Martinez moved that Policy Memorandum No. 2012-01 be approved, subject to the above revisions. Commissioner Navarro seconded. Motion carried unanimously.

**e. Position on Legislation Protocol Draft – Action**

- Chair Jakobson-Johnson stated the first sentence in Item #4 should read, “The Executive Committee will recommend a position (support, opposition, support if amended, oppose unless amended, no position, or neutral position).”
- Chair Jakobson-Johnson recommended changing Item #5 from “inform the rest of the Commissioners at the next full Commission meeting” to “inform the rest of the Commissioners by emailing a position letter immediately.”
- Commissioner Pomerantz strongly objected to Item #5, due to the exclusion of those who are not on the Executive Committee from being a part of that process. He suggested that, in the interest of time, all Commissioners review and

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 30, 2012 MEETING MINUTES**

communicate an opinion via email to the chair of the Executive Committee. The Executive Committee could then move forward.

- Chair Jakobson-Johnson suggested creating a standing Legislative Committee that could be made up of all the voting Commissioners and could meet as needed. She suggested having someone come in and give an overview of the Legislative process for the Commission at the next meeting. Commissioner Seferian will research this in view of the Bagley-Keene Act.

**MOTION:** Commissioner Burks moved that Policy Memorandum No. 2012-02 be sent back to the Executive Committee for review. Commissioner Pomerantz seconded. Motion carried unanimously.

**f. CCDA Mission Statement Draft – Action**

- Commissioner Wilson suggested adding “and the Legislature” to the end of the sentences in both the first and second paragraphs. She also suggested changing the last sentence from “with regards to disability access requirements...” to “with regards to disability program as well as architectural access requirements...” She noted that people tend not to regard the program access as incorporated into the concept of accessibility.
- Commissioner Navarro suggested adding “to increase coordination between stakeholders” after “compliance inspections and continuing education” in the second paragraph.
- Commissioner Burks suggested the Mission Statement be refined by the Executive Committee due to its importance.

**MOTION:** Commissioner Martinez moved that the Mission Statement be returned to the Executive Committee for further discussion. Commissioner Navarro seconded. Motion carried unanimously.

**g. Executive Director’s Report**

- Executive Director Vitale reported that the office is now fully staffed and striving to arrange and coordinate both the monthly Committee meetings for each of the four subcommittees as well as the quarterly Commission meetings. The office is also in the process of updating the CCDA website.
- Executive Director Vitale participated in the Division of the State Architect’s (DSA) CASp Test Exam Preparation Workshop.
- Executive Director Vitale has received contacts from individuals through the CCDA website requesting direction concerning lawsuits. He asked the Commission to note that there have been a number of lawsuits against small businesses in the Redding area that have occurred within the last month or two by the same individual in multiple locations.
- Executive Director Vitale informed the Commission that the Certified Access Specialist Institute (CASI) held a workshop in Berkeley with Pat Barbosa, former

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 30, 2012 MEETING MINUTES**

attorney with the Attorney General's Office, who has tried a significant number of access cases on Title 3 agencies – one of CCDA's areas of focus. This workshop, held in both northern and southern parts of the state, focused on the preparation of CASI reports and content. There were about sixty members of the Northern California CASI in attendance, representing about fifty percent of the statewide total of approximately 200.

- Executive Director Vitale stated the Access Board has issued, and will post on the CCDA website, information on three areas of concern for businesses pertaining to accessibility. First, there is a revised definition for what constitutes an individual with a disability. Second, businesses are required to have websites which are in compliance, and accessible and useable by individuals with disabilities. Third, there are recent changes in the ADA Standards which directly affect schools and school programs.

**h. CCDA Conflict of Interest Code Update**

Staff Member Jemmott stated the Commission presented the Code to the Office of Legal Services and they have adopted that information on the CCDA website and have given public notice. There has been no communication from the public of any conflict or concerns about the Conflict of Interest Protocol.

**4. BUDGET**

**a. Fiscal Year 2011/2012 Budget**

- Executive Director Vitale stated that the budget for the year is \$439,000 and that there is 65.1 percent left for the remaining five months of this fiscal year. The Commission has expended \$150,645, encumbered by the costs of meetings, supplies, printing, and office expenses, which leaves \$285,000 remaining in the budget. He announced that the State of California just reduced the Commission's budget for next year from \$439,000 to \$407,000.
- Commissioner Martinez asked about a carryover. Executive Director stated the only carryover anticipated would be associated with facilities development. The staff is currently operating out of three cubicles at the Department of Rehabilitation. About \$40,000 was earmarked for capital improvements, due to securing used furniture from State Surplus, and is a cushion against the loss the Commission is taking next year. Executive Director Vitale foresees that, within the next year or two, the Commission will need additional staff that the current facility will be unable to support.

**b. Status of Budget Change Proposal (BCP) for Fiscal Year 2012/2013**

**5. COMMITTEES**

Chair Jakobson-Johnson informed members of the public that the Executive Committee is not specifically listed to give a report because the General Business Items are the Executive Committee's business, including protocols, mission statements, etc.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS**  
**FULL COMMISSION**  
**JANUARY 30, 2012 MEETING MINUTES**

Chair Jakobson-Johnson summarized each of the four Committees that are related to the Commission's specific Legislative charges:

- The Accessibility Checklist Committee or Access Compliance Committee is charged with developing, in consultation with staff at the CBSC, a master Checklist for disability access compliance that can be used by building inspectors. The Checklist was to be completed July 2010 but, due to staffing issues, the Committee was unable to meet the deadline.
- The Accessibility Enhancement Committee is charged with doing studies and making reports to the Legislature on issues regarding compliance that are raised by people with disabilities or businesses and making recommendations that would promote compliance. This report was due last year but, due to staffing issues, the Committee was unable to meet the deadline.
- The CASp & Education Committee is charged with doing studies and making reports on the CASp program and whether training and continuing education requirements for people who design, plan, check, and inspect structures are sufficient. They also make studies and reports on training and education requirements that should be enacted for others, such as landscape architects, professional engineers, and contractors. This report was due last year but, due to staffing issues, the Committee was unable to meet the deadline.
- The Civil Enforcement Committee is charged with studying Section 55.54 of the Civil Code, which involves attempting to reduce unnecessary civil actions that do not facilitate compliance with State Laws. This Committee will be developing a report on its findings and making recommendations that the Commission will review and ultimately authorize to go to the Legislature. The report is due no earlier than July 1, 2013 and no later than July 1, 2014.

Chair Jakobson-Johnson asked Committee chairs to report the goals of their Committee, the timeline for achieving those goals, the progress made thus far, and the issues that need input from the Commission.

**a. Committee Reports**

**Accessibility Checklist Committee – Accela Marketing Presentation**

Executive Director Vitale announced the Accela presentation would not take place in the same format that it was offered to the Checklist and Executive Committees due to some proprietary issues concerning its release to the general public at this time.

Chair Luehrs stated the Accessibility Checklist Committee also includes Mitchell Pomerantz, Betty Wilson, and Michael Nearman. The Committee met on October 31, 2011, December 12, 2011, and January 19, 2012. The goals of the Committee are consistent with what Chair Jakobson-Johnson read.

Chair Luehrs said that the main concern is putting together a readily-accessible, comprehensive Checklist. The first matter the Committee confronted is the substantial size and importance of the issue. The business of access is very large and affects a cadre of various agencies.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS**  
**FULL COMMISSION**  
**JANUARY 30, 2012 MEETING MINUTES**

Chair Luehrs reported the Committee reviewed several voluminous Checklists currently available, and gave the example of one that was 256 pages in length and yet was still incomplete. The Committee considers the Accela program as a possible way to realize this sizeable goal. Accela is a service provider that maintains a website with all the desired information accessible by iPhone, iPad, computer, etc. Those out in the field would have immediate access to necessary information. The Committee realizes the need for professional assistance in creating this Checklist, and Accela is a viable resource, but it is not without cost.

Chair Luehrs stated the Checklist Committee would like to recommend to the full Commission the establishment of a series of stakeholder meetings for their evaluation and feedback regarding whether they see the Accela program as a viable solution relative to access to a substantial Checklist.

Chair Jakobson-Johnson asked if Accela will provide content or if they are only a platform. She also asked if Accela will be able to present this material at stakeholder meetings, since they were unable to present at the full Commission meeting due to proprietary issues. Executive Director Vitale responded that Accela is a platform. They will insert content provided by this Commission and agencies such as CBSC and DSA. Accela will present this content to stakeholder groups.

Commissioner Burks stated his concern about the cost of the Accela program and that this Commission may be adopting something that will only be functional for existing Chapter 11b of Title 24, which may no longer be in existence when DSA publishes their changes to the Code. Chair Jakobson-Johnson responded that, in light of the changes that are being made to the Code, she suggested the possibility of developing a report to the Legislature asking to proceed with the Checklist after the new Code is finalized. She proposed putting out a series of briefer checklists, in the meantime, that would be aimed specifically at the business community.

Commissioner Pomerantz recommended creating this Checklist electronically, as it is comprehensive, updateable, and readily accessible if it is properly indexed. He stated that the holding of a series of stakeholder meetings would be an opportunity to get public feedback to this proposal.

Commissioner Burks recommended asking the CBSC and DSA for their stakeholder lists, if possible, to get the word out about these stakeholder meetings. He voiced his support of looking into an electronic Checklist, but questioned whether Accela is the primary, principal database source or if there are other competitive programs. He recommended a statewide stakeholder outreach to gather what they see as problems, such as which Code to use as the model Code, so the Checklist will be uniform and consistent with a baseline Code.

**Public Comment**

- Richard Conrad, Division of the State Architect, stated DSA is in the process of comparing Chapter 11b of the DSA adoption of the California Building Code with the ADA. The goal is to identify areas of inconsistency. Then, DSA will prepare an amendment package to submit to the CBSC in the fall, which will be as close



**CALIFORNIA COMMISSION ON DISABILITY ACCESS**  
**FULL COMMISSION**  
**JANUARY 30, 2012 MEETING MINUTES**

to conformance with the ADA as possible. DSA's goal is for it to go into effect January 1, 2014.

- Steve Dolim, Certified Access Specialist Institute (CASI), stated he saw the Accela presentation and feels it could be a very powerful tool. He emphasized the need to have skilled persons administering it who understand the rules and codes, and to have the complexity communicated so the right people with skill and knowledge are identified before the money is spent. He also admonished that an electronic Checklist cannot be a substitute for voluminous Legislation of Laws and Codes.
- Kirk Cooknick, American Institute of Architects, California Council (AIACC), expressed his concern that the approach of this Checklist is taking a 'one-size-fits-all' approach. He agrees with Mr. Dolim's observation that a Checklist cannot replace skill and knowledge, but will always come down to the human element – to personal responsibility, skill, knowledge, and education.
- David Peters, Lawyers Against Lawsuit Abuse, said there are certain things that seem to lead to the majority of lawsuits, and he agreed with Chair Jakobson-Johnson's suggestion of addressing these common problems in a number of condensed circulars to assist the average business owner. He stressed the importance of the fact that, although the comprehensive Checklist is geared toward building officials, many will be looking to it for guidance – no matter how long it needs to be. He stated he is greatly encouraged by the idea of an electronic Checklist as a valuable means of disseminating necessary information, but wants to caution against the discussion of it taking precedence over the content.

Commissioner Pomerantz acknowledged the many different perspectives represented, but stressed that the focus needs to be on the objective of Senate Bill 1608. He requested that Executive Director Vitale repeat some of his comments made in the Checklist and Executive Committee meetings to the full Commission to help answer some of the many questions and concerns that were expressed.

Executive Director Vitale stated that many of the items and issues addressed were specifically taken into consideration by the Checklist Committee. It is understood, first and foremost, that this is a template. Accela has a template available, which has been tested in the field for many years by multiple states, that enables electronic transmission and sharing of information. The information the Commission is concerned about has to do with Code.

Executive Director Vitale stated that the new ADA Standards have to be evaluated by a CAsp for existing construction against prior requirements. There is a simultaneous need not only to address the new 2014 Code, but to concurrently address if a building was in compliance at the time it was constructed. This necessitates a parallel listing of both the Accessibility Design Access Guidelines (ADAG) requirements and the requirements of the Code in the year in which the structure was built. Furthermore, if a building will be remodeled and updated for the new Code in 2014, was the building previously certified

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 30, 2012 MEETING MINUTES**

as being within the requirements of the ADAG? These are a series of questions that have to be answered and each project has to stand alone separately.

Executive Director Vitale addressed the concern of how to create an exhibit that is defensible in a court of law. He stated a benefit of this template, this platform, is that it can significantly reduce the amount of items that have to be reviewed at each inspection. This template sidebars and specifically identifies a particular occupancy section of the Code's requirements for a particular type of building concurrent with whether or not the plans that were provided are properly plan-checked. This information is electronically available in the field, complete with all the drawings and specifications.

Executive Director Vitale concluded by stating the Checklist Committee is trying to take as wide an angle of vision as possible with regard to how this Checklist will be applied.

**MOTION:** Commissioner Pomerantz moved that the Commission adopt the Checklist Committee's recommendation that a series of stakeholder meetings be held around the state to introduce and receive feedback on the Accela platform, and that a minimum of three stakeholder meetings be held within 60 days. Commissioner Luehrs seconded. Motion carried by a vote of six ayes and one nay.

Commissioner Burks stated his concern that Accela is a very expensive proposition. He questioned who will sponsor this program and manage the expense. He stated his opinion may be different if there were definite support from the private sector. He recommended, as part of the stakeholder outreach, that the cost be made known with the expectation that those stakeholders will help fund and manage this program.

Chair Jakobson-Johnson asked staff members to make sure the cost is specified in these stakeholder meetings, to continue to look to collaborate with other parts of the government in order to share in the cost, and to give a report of their findings at the next Executive Committee meeting. She also asked staff to look into the sole-source issue.

**Accessibility Enhancement Committee**

Commissioner Navarro reported the Accessibility Enhancement Committee, which also consists of Rocky Burks and Mark Martinez, met on December 20, 2011. The Committee's goal is to write an Accessibility Enhancement Committee Mission Statement. It was suggested that the Committee contact the League of California Cities and the California State Association of Counties to ascertain whether they have done their transition plans and to inquire about the status of these plans as part of the CCDA-propelled research on the statewide status of ADA compliance.

The Accessibility Enhancement Committee's research will come in the form of a letter of inquiry to be sent to all possible instrumentalities of state government. This effort will also extend to the private industry and the steps of their Title 3 compliance. This letter will not only address the survey, but will be a letter of introduction for this Commission. Commissioner Navarro stated the need for a brochure for this purpose. The letter would be signed by the Commission Chair and sent to the Governor's Office asking for his

**CALIFORNIA COMMISSION ON DISABILITY ACCESS**  
**FULL COMMISSION**  
**JANUARY 30, 2012 MEETING MINUTES**

support in pursuit of the statewide survey of ADA transition plans and overall ADA compliance. Commissioner Burks requested assistance from the Commission Chair and Vice Chair on the content of the letter that will be going to three different organizational representatives and political arenas that are with both enforcement as well as implementation of ADA compliance.

**CASP & Education Committee**

Commissioner Burks reported that the CASp & Education Committee met on December 20, 2011. He and Commissioner Martinez met with several industry representatives. The one universal theme that was clearly reported by those professionals is that requiring continuing education is onerous and unbearably costly. There is real concern of underground underbidding activity that is prevalent in today's economy. Because these additional costs must be passed on to customers, professionals out in the field are finding it hard to compete with this underground activity.

Commissioner Burks stated members will be added to the Committee with a balance between the disability and business communities. The Committee recommends doing outreaches to a broad representation of those professionals who stand for Code enforcement entities by beginning a series of stakeholder meetings. These meetings would entail whether or not continuing education in all three of the areas that the CASp & Education Committee is charged with is an appropriate and viable means to achieve accessibility compliance.

Commissioner Burks requested that staff put information about the CASp program on the CCDA website, as it is being requested by the public.

Commissioner Burks brought up the concern of the accuracy of the CASp and Education testing process. He informed the Commission that DSA is currently involved in the process of creating new testing questions; looking at the appropriateness of employing the method of testing to do necessary practical measurements that demonstrate knowledge, skills, and abilities of a person in the field; reassessing the cost of the exam; etc. He also reported that, although he does not feel the exam is too difficult, there is concern that the exam is too hard and that the numbers of those who pass are low.

**Public Comment**

- Kirk Cooknick stated the AIACC is hearing about the difficulty of the exam more and more, and they have been contacted inquiring about the CASp exam. Mr. Cooknick likened the CASp to an aviation specialist and questioned making the test easier just because people are failing their flight tests at the expense of increased accidents. He agreed with Commissioner Burks in that he does not feel the exam is too difficult, but that it is where it needs to be. The exam is made to be a very fine filter for screening out those who are not capable of passing the exam. This is serious work and requires serious people involved in this process. Commissioner Burks stated the CASp & Education Committee would like to work more closely with AIACC and together work with DSA on the CASp exam.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 30, 2012 MEETING MINUTES**

- Richard Conrad emphasized a word in CASp – “specialist.” Greater knowledge, skills, and ability is expected of a specialist. It is not “Certified Access Regular,” but it is “Certified Access Specialist.”
- Steve Dolim agreed with Mr. Conrad. If one is expected to be a specialist, there is a body of knowledge one must have in order to have the necessary experience and skill. He also stated the exam is an evolving process; the tools change as the requirements change. He stressed the need for the exam to accurately test people. He recommended scrutiny of the qualifications of the people giving the training for this exam, because that training determines part of one’s knowledge, skills, and abilities.

Commissioner Navarro asked if local government could help with exam fees; if there is a penalty to those underground people who are underbidding; and if there is a way local government can help enforce against that activity. Commissioner Martinez responded that many local jurisdictions are trying to figure out how to use the CASp effectively just within their own departments, and that outreach is not even in their mindset at this point. It is very reactive and not proactive.

**Civil Enforcement Committee**

Commissioner Dean reported that the Civil Enforcement Committee met on November 22, 2011. Several members of the public were in attendance. The Committee approved the draft protocol for non-Commission members and would like to have that posted. The Committee also decided to hold a series of meetings throughout California in order to gather information necessary for the required report to the Legislature. These meetings may be formatted as hearings or as workshops. The Committee will also begin outreach to encourage maximum participation, as it will take some time to accumulate data.

The Committee discussed contacting the California Judicial Council to get input from State Judges and the judiciary regarding compliance litigation. Commissioner Dean stated Executive Director Vitale is looking into engaging law school interns for assistance in the research.

Commissioner Dean requested the Commission’s input regarding the direction the Committee should take in the next meeting.

Chair Jakobson-Johnson approved of Commissioner Dean’s comments regarding meetings, intern assistance, and judicial input. She emphasized Bagley-Keene compliance, if the meetings take the form of workshops. Also, since few of the cases brought are filed, and many of those filed conclude with a confidential settlement, it is difficult to determine how many lawsuits are actually occurring, which in turn alters the perception of improvement. Therefore, Chair Jakobson-Johnson suggested involving the Chambers of Commerce and other groups that would have information regarding whether the situation truly is improving or not, and that may have input on ways to improve.

Commissioner Burks recommended asking a broad base of industry and disability community organizations to attend the meetings, specifically the Trial Lawyers

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 30, 2012 MEETING MINUTES**

Association. He suggested the Committee look at the Legislative and legal history that the State Attorney General's office has with regard to Civil Code 51.

Commissioner Dean followed up on broadcasting the brochure for public comment and stated fourteen comments were received. The public expressed some concern about the Commission co-sponsoring a brochure with some outside groups. He asked for guidance from the Commission. Chair Jakobson-Johnson recommended the Commission prepare a pamphlet or brochure on its own.

**MOTION:** Commissioner Navarro moved that the Commission put out its own brochure and not join into any brochures with other entities at this time. Commissioner Wilson seconded. Motion carried unanimously.

Chair Jakobson-Johnson requested that Commissioner Dean work with Executive Director Vitale to update the CCDA website for the public's information.

**6. DISABLED ACCESS LEGISLATIVE AND REGULATORY DEVELOPMENTS**

Chair Jakobson-Johnson stated she is not specifically aware of anything to report at the state level, although the Assembly will be bringing Legislation to address parking placard abuse.

Executive Director Vitale mentioned earlier in his report that there have been three pieces of Legislation that have been approved and will be posted on the CCDA website so the public will be aware of the changes concerning schools, the web, and the revised definition as to what constitutes a person with a disability. He pointed out that the placard issue has Code implications and therefore Checklist implications relative to the quality and quantity of parking spaces provided. He noted that, since the CBC first instituted the requirements in 1981, there has not been an update or increase in the required number of spaces even though the number of individuals requesting the placards has significantly increased. He suggested the Commission make commentary to the Legislature indicating further consideration be given to increasing the number of parking spaces for those with disabilities.

Commissioner Pomerantz stated the placard abuse issue was first raised in Los Angeles ten years ago. The city did surveys and put on a series of public hearings in order to understand the scope of the problem. It was discovered that some physicians were writing recommendation letters for placards at patients' requests, no questions asked. Subsequently, a bill was introduced giving the DMV standing to spot-check physicians' offices to check files for valid letters backing up the need for new placards. Also, the placards were often not being mailed back to the DMV when patients no longer required them. The bill ended up being significantly watered down and really did not help. The Business community suggested giving a date of expiration to the placards. Some states have gone so far as to require the periodic return of placards in order to have new ones issued. Other states issue color-coded placards designating the severity of the disability.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 30, 2012 MEETING MINUTES**

**7. FUTURE AGENDA ITEMS**

Commissioner Wilson reminded the Commission of their October 2010 recommendation to send out notices to all state agencies verifying their websites and materials information regarding physical access as well as program access. Commissioner Wilson suggested that the proposed internship program help implement this task.

Commissioner Wilson also queried whether the budget allows for Commissioners' attendance in information-gathering seminars, lectures, and program activities.

**8. ADJOURNMENT OF CCDA MEETING**

Chair Johnson adjourned the meeting at 3:43 p.m.